

ESTTA Tracking number: **ESTTA935420**

Filing date: **11/15/2018**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party has filed a petition to cancel the registration indicated below.

Petitioner Information

Name	Fumm, Inc.		
Entity	Corporation	Citizenship	California
Address	1300 Stonewood Court San Pedro, CA 90732 UNITED STATES		

Attorney information	Steven N. Fox, Esq. P.O. Box 193 Sharon, MA 02067 UNITED STATES sfox@foxpatent.com, snf33237@gmail.com 7818218920
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Registration Subject to Cancellation

Registration No.	4438357	Registration date	11/26/2013
Registrant	JLC COMPANY 262-2 US ROUTE 1 FREEPORT, ME 04032 UNITED STATES		

Goods/Services Subject to Cancellation

Class 025. First Use: 1830/01/01 First Use In Commerce: 1830/01/01 All goods and services in the class are subject to cancellation, namely: footwear and apparel, namely, shirts, pants, dresses and sweaters
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Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	Petition For Cancellation 11-15-2018.pdf(29110 bytes)
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Signature	/Steven N. Fox/
Name	Steven N. Fox
Date	11/15/2018

connection with any type of goods, including footwear and apparel, namely, shirts, pants, dresses and sweaters.

5. On October 19, 2018, Petitioner filed Application Serial No. 88/161,589 for the mark J.L. COOMBS that recites goods of footwear and clothing apparel, namely, t-shirts, shirts, sweatshirts, and caps in international class 025. Petitioner has commenced use of the mark J.L. COOMBS in connection with the sale of footwear and clothing apparel, namely, t-shirts, shirts, sweatshirts, and caps.

COUNT I - CANCELLATION OF U.S. REG. NO. 4,438,357

6. Petitioner re-alleges each and every allegation set forth in Paragraphs 1-5 as if fully alleged herein.

7. Petitioner is harmed by U.S. Reg. No. 4,438,357 for the mark J.L. COOMBS remaining on the Principal Register despite being abandoned by Registrant. Such harm includes the inability to obtain allowance of Application Serial No. 88/161,589 for the mark J.L. COOMBS that recites goods of footwear and clothing apparel, namely, t-shirts, shirts, sweatshirts, and caps in international class 025.

8. U.S. Reg. No. 4,438,357 should be cancelled under 35 U.S.C. §1064 as Registrant has abandoned its use of the mark J.L. COOMBS in connection with footwear and apparel, namely, shirts, pants, dresses and sweaters.

PRAYER FOR RELIEF

Petitioner, Fumm, Inc., requests the Board to enter judgment in favor of it and against the Registrant on Count I, and grant it the following relief:

- (1) an order that U.S. Reg. No. 4,438,357 is cancelled from the Principal Register; and
- (2) such as other relief as the Board deems equitable and just.

Respectfully submitted,
Fumm, Inc.

By its Attorney,

Dated: 11-16-2018

/Steven N. Fox/

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